

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

ERIC E. BERNARD,	)	
	)	
Plaintiff,	)	Case Nos. 25-cv-50366, 20-cv-50412,
	)	and 20-cv-50413
v.	)	
	)	
ILLINOIS DEPT. OF CORRECTIONS,	)	Judge Iain Johnston
ET AL.,	)	
	)	Mag. Judge Margaret J. Schneider
Defendants.	)	
	)	
	)	

**PLAINTIFF’S RESPONSE TO ORDER TO SHOW CAUSE**

Pursuant to the Court’s November 3, 2025, Minute Order directing Plaintiff Eric Bernard to respond to the Court’s Rule to Show Cause, Counsel for Plaintiff in Case Nos. 25-cv-50366, 20-cv-50412, and 20-cv-50413, of Loevy & Loevy, respectfully submits the following:

1. Plaintiff’s counsel Heather Lewis Donnell has been Mr. Bernard’s appointed counsel in 25-cv-50366 since October 22, 2020. ECF 6.
2. On November 16, 2021, the Court appointed Michael Kanovitz to represent Mr. Bernard in 20-cv-50412. ECF 62. Maria Makar filed her appearance on March 10, 2023. ECF 128.
3. On October 31, 2023, the Court appointed Mr. Kanovitz and Ms. Makar to also represent Mr. Bernard in 20-cv-50413. ECF 187.
4. On October 24, 2024, Plaintiff sent a settlement demand to Defendants to resolve 25-cv-50312 and 20-cv-50413.
5. On October 16, 2025, Plaintiff sent a settlement demand to Defendants to resolve 25-cv-50366.

6. To date, Plaintiff has not received a response to the settlement demand letters.

7. On October 17, 2025, Defendants in all three cases informed Plaintiff they needed 21 days to review and respond to Plaintiff's settlement demand in these three cases and Plaintiff's other cases.

8. The Parties then filed a Joint Status Report informing the Court of these settlement developments. ECF 260 (25-cv-50366); ECF 209 (20-cv-50412); ECF 243 (20-cv-50413).

9. On October 17, 2025, this Court issued a Minute Entry setting a telephonic status hearing for November 3, 2025, at 1:30 PM CT for the purpose of "discuss[ing] future settlement discussions and next step[s] in the cases." ECF 259 (25-cv-50366); ECF 208 (20-cv-50412); ECF 242 (20-cv-50413).

10. Plaintiff's counsel Heather Lewis Donnell (25-cv-50366) and Maria Makar (20-cv-50412 and 20-cv-50413) separately spoke to Mr. Bernard on October 30, 2025, and informed him of the November 3, 2025, status hearing and separately told Mr. Bernard that they would update him after the hearing.

11. When the Court set the settlement conference in 25-cv-50366, 20-cv-50412, and 20-cv-50413, the Court's order instructed that "Plaintiff is also ordered to appear, by telephone." See ECF 251 (25-cv-50366); ECF 199 (20-cv-50412); ECF 231 (20-cv-50413).

12. To the extent that counsels' role in the foregoing sequence of events may have created confusion and a misunderstanding on the part of Mr. Bernard, we apologize. Having not known about the status of, or orders in, the *pro se* cases, it would be fair to conclude that counsel gave Mr. Bernard the impression that they had the status covered on his behalf. Given that counsel did not have all the facts and Mr. Bernard is a non-attorney, it is easy to see how there could have been a miscommunication.

13. Undersigned counsel have been diligently prosecuting these cases, including in 20-cv-50412 and 20-cv-50413: filing a motion for preliminary injunction, serving multiple sets of written discovery requests, regularly conferring with Defendants to resolve discovery disputes, taking thirteen depositions, and disclosing three experts.

14. Similarly in 25-cv-50366, Plaintiff has diligently been prosecuting his case. Plaintiff conducted a two-day *Pavey* hearing and conducted written and oral discovery, including taking 16 depositions, deposing a Rule 30(b)(6) witness, and disclosing an expert report. Fact discovery is closed and the Parties agreed to a summary judgment briefing schedule. ECF 261.

15. Counsel Ms. Donnell and Ms. Makar attended the November 3, 2025, Status Conference and were prepared to discuss “future settlement discussions and next step[s] in the cases” as requested by the Court.

16. During the status call, after it became apparent that the Court had expected Mr. Bernard to attend, Ms. Donnell contacted Mr. Bernard. In doing so, Ms. Donnell was doing her best to assist the Court and Mr. Bernard by facilitating his appearance. As Mr. Bernard explained during the Status Conference, he was in physical therapy, but promptly joined following that session at approximately 2:00 p.m.

17. Counsel again apologizes for their misunderstanding of the Court’s Minute Entry and respectfully requests that the Court not punish Mr. Bernard by dismissing this case.

18. Attached as **Ex. 1** is a declaration signed by Mr. Bernard responding to the questions posed by the Court on November 3, 2025.

Dated: November 13, 2025

/s/ Maria Makar

Michael Kanovitz  
Heather Lewis Donnell  
Maria Makar  
Isaac Green

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